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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,387	04/11/2001	Louiss R. Jackson, JR.	COMP:0205	4526

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EXAMINER

VORTMAN, ANATOLY

ART UNIT PAPER NUMBER

2835

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,387

Applicant(s)

JACKSON,, LOUISS R.

Examiner

Anatoly Vortman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/20/04 (RCE) and 07/12/04 (Amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10,12-46,48 and 50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10,12-46,48 and 50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application on 08/20/04 after final rejection, which was filed on 05/18/04. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/12/2004 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10, 12-17, 20-31, 33-42, 44-46, 48, and 50, are rejected under 35 U.S.C. 102(b) as being anticipated by US/5,646,819 to Hill, III (Hill).

Regarding claims 1, 21, and 37, Hill disclosed (Fig. 1-3) a computer space saving system comprising:

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a personal computer (31) including a housing (10) (enclosure) having a plurality of computer components (31, 34) disposed therein and having a wall mount structure (12) configured to mount the housing (10) on a substantially vertical surface and a display (Fig. 3) fixedly secured (by brackets (62, 64)) to the housing (10) (column 3, lines 10-32).

Regarding claims 2 and 3, Hill disclosed that the housing (10) comprises a substantially flat panel (26) having a slim thickness.

Regarding claims 4-7, Hill disclosed that the housing (10) comprises a plurality of modular bays/slots/receptacles (20, 22, 24, 32).

Regarding claims 8-10, 22, 23, and 38, Hill disclosed a flat panel /screen display ((31) Fig. 2).

Regarding claim 12, 24-27, and 39-42, Hill disclosed a plurality of compact computer components (modular bodies) (31,34,40) adapted for removable insertion into, and coupling with the housing (10).

Regarding claims 13, 14, 15, 17, 28, 30,and 31, computer of Hill, inherently comprises: a processor, a motherboard, a port, a software, and a data storage device.

Regarding claim 16, Hill disclosed a battery (column 2, line 27).

Regarding claim 20, 34, and 44, Hill disclosed a mount structure (13) for mounting a housing (10) on a substantially horizontal surface .

Regarding claim 33, Hill disclosed that said upright mount structure (12) comprises a plurality of mounting slots (Fig. 1).

Regarding claim 29, Hill disclosed a mobile power supply (34).

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Regarding claims 35, 36, and 45, Hill disclosed a wall-mountable peripheral device (keyboard) (40) for communicatively coupling to a port of the housing (10) (Fig. 2, 5).

Regarding claims 46, 48, and 50, the method steps recited in the claims are inherently necessitated by the device structure as taught by Hill.

4. Alternatively, claims 1-10, 12-17, 20-31, 33-42, 44-46, 48, and 50, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US/5,831,817 to Chang.

Chang disclosed (Fig. 1A, 1B, 3A, 3B, 4A, 4B) a precisely identical wall mounted computer (a space saving system) as recited in the claims, including receptacles for modular computer components (12, 14) and an angle adjustment assembly (34) for a display. Also, a processor, a motherboard, a port, a software, and a data storage device all are inherently present in the device structure (computer) of Chang since they all are necessary components of any computer. The vertical mount (wall mount) is also inherently present, since the computer (30) is hanging on the wall as shown on Fig. (4A and 4B). The method steps of claims 46-50 are inherently necessitated by the device structure as taught by Chang.

5. Alternatively, claims 1-10, 12-17, 20-31, 33-42, 44-46, 48, and 50, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US/5,673,169 to Wicks.

Wicks disclosed (Fig. 6) an identical wall mounted computer (a space saving system) as recited in the claims, including receptacle (34) for modular computer component (24) and an angle adjustment assembly (20) for a display (12). Also, a processor, a motherboard, a port, a software, and a data storage device all are inherently present in the device structure (computer)

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of Wicks since they all are necessary components of any computer. The vertical mount (wall mount) (64) is also present on Fig. 6.

The method steps of claims 46, 48, and 50 are inherently necessitated by the device structure as taught by Wicks.

6. Alternatively, claims 1-10, 12-17, 20-31, 33-42, 44-46, 48, and 50, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US/6,282,082 to Armitage et al., (Armitage).

Armitage disclosed (Fig. 18A-18C) a wall mounted computer (a space saving system) as recited in the claims, including receptacles (1802, 1804) for modular computer components (1806, 1818) and an angle adjustment assembly (1812)) for a display. Also, a processor, a motherboard, a port, a software, and a data storage device all are inherently present in the device structure (computer) of Armitage since they all are necessary components of any computer. The vertical mount (a cabinet) is also shown on Fig. 18A. The method steps of claims 46, 48, and 50 are inherently necessitated by the device structure as taught by Armitage.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claim 19 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Hill, Chang, Wicks, or Armitage, each taken with US/5,610,798 to Lochridge

Hill, Chang, Wicks, or Armitage, each disclosed all but a plurality of the keyhole slots.

Lochridge disclosed a hangable computer (Fig. 2) having a mounting for hanging (40) comprising a plurality of keyhole slots (46) in order to readily hang or remove the computer from supporting surface without the removal of holding screws (column 5, lines 10+).

It would have been obvious to a person of ordinary skill in the computer art at the time the invention was made to modify the mount structure of either Hill, Chang, Wicks, or Armitage by providing them with the plurality of keyhole slots as taught by Lochridge in order to facilitate hanging and removal of the device from the supporting surface.

9. Claim 18 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Hill, Chang, Wicks, or Armitage, each taken with US/5,375,076 to Goodrich.

Hill, Chang, Wicks, or Armitage, each disclosed all, but wireless communication device.

Goodrich disclosed a computer system having a wireless communication device (column 4, lines 12+) for interacting with peripheral devices.

It would have been obvious to a person of ordinary skill in the computer art at the time the invention was made to provide said computers of Hill, Chang, Wicks, or Armitage with wireless communication device as taught by Goodrich in order to enhance convenience for a user.

Response to Arguments

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10. Applicant's arguments have been considered but they are not persuasive.

Contrary to the Applicant's position, the Examiner believes that cabinet (10) of Hill may be reasonably interpreted as a housing for a computer (as shown on the figures). During examination, the claims must be interpreted as broadly as their terms reasonably allow. > *In re* American Academy of Science Tech Center, ___ F.3d ___, 2004 WL 1067528 (Fed. Cir. May 13, 2004) (The USPTO uses a different standard for construing claims than that used by district courts; during examination the USPTO must give claims their broadest reasonable interpretation).

Regarding the Applicant's arguments related to the Chang ('817) reference, the arguments are addressed to Chang's Fig. (1A-2C). The Examiner would like to direct the Applicant's attention to the fact that in the body of the rejection (see paragraph 4 of the final Office action mailed on 05/18/04) Fig. 3A, 3B, 4A, and 4B have also been cited. These figures show that the display (36) is fixedly secured to the housing (30) and clearly anticipate claims 1-10, 12-17, 20-31, 33-42, 44-46, 48, and 50 of the instant application.

The remaining Applicant's arguments are moot in view of the new grounds of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 571-272-2047. The examiner can normally be reached on Monday-Friday, between 10:00 am and 6:30 pm..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Lynn Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anatoly Vortman
Primary Examiner
Art Unit 2835

AV

A handwritten signature in black ink, appearing to read 'A. Vortman', followed by a horizontal line.